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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,982	02/22/2002	Roger L. Johnston	1266.015	9956

7590 10/06/2003

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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,982

Applicant(s)

JOHNSTON, ROGER L.

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-13,17 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-8,14-16,18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1 and 13 are objected to because of the following informalities: it appears that the word "a" before "having" (claim 1, line 4, and claim 13, line 3) should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "said machine" (claim 10, line 2). It appears that the "machine" should be "gantry".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,10,11, and 17, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gee et al. (3,900,077).

Gee et al. (3,900,077) discloses a triangular mobile vehicle and method to lift a load, comprising first, second, and third booms (32,32,32) (Fig. 1), each of which having a

Art Unit: 3652

mobile base (14,16) that is independently support on the ground and a vertically extendible lift leg (12) supported on the base; and the first boom laterally between the second and third booms, and a plurality of horizontal beams (see Fig. 1) interconnected the lift legs wherein the beams form a triangular shape when viewed in top plan.

Re claim 10, Gee et al.' triangular mobile vehicle (3,900,077), as best understood, shows the first boom has a front boom adjacent a lateral center line of a power unit (30) (see Fig. 1) and the second and third booms are located the opposite side of the lateral centerline.

Re claim 11, Gee et al.' triangular mobile vehicle (3,900,077) further shows a wheel (14) on each mobile base.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,2,9-13,17, and 20, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (4,397,370) in view of Johnston (6,017,181).

Smith (4,397,370) discloses a triangular mobile vehicle and method, comprising first, second, and third booms (15,16,17) (Fig. 3), each of which having a mobile base (Fig. 5) that is independently support on the ground and a vertical lift leg (50,84) supported on the base; and the first boom laterally between the second and third booms, and a plurality of horizontal beams (see Fig. 3) interconnected the lift legs wherein the beams form a

Art Unit: 3652

triangular shape when viewed in top plan. Smith (4,397,370) does not show that the vertical lift leg is *extendible*.

However, Johnston (6,017,181) shows a gantry having a vertical *extendible* lift leg powered by hydraulic cylinder (40).

Re claims 1,2, and 17, Accordingly, it would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a vertical *extendible* lift leg (instead of a fixed leg) of Smith (4,397,370) as taught by Johnston (6,017,181) in order to provide more flexibility to raise or lower the platform (46-48).

Re claim 9, the modified Smith's triangular mobile vehicle (4,397,370) shows each of the first and second beams has multiple mounting points (49,49,49) (see Fig. 3).

Re claim 10, the modified Smith's triangular mobile vehicle (4,397,370), as best understood, shows the first boom has a front boom adjacent a lateral center line of a control machine panel (72) (see Fig. 1) and the second and third booms are located the opposite side of the lateral centerline.

Re claim 11, the modified Smith's triangular mobile vehicle (4,397,370) shows a wheel (58,78) at each base.

Re claims 12,13, and 20, the modified Smith's triangular mobile vehicle (4,397,370) shows a wheel assembly (106) (Fig. 9) and it appears that the prior art does not show that the base can be rotatable in an angle of 360 degree. However, it would have been an obvious to one of the skilled in the art to modify the wheel assembly of the Smith's vehicle to be able to rotate at 360 degree so that the modified vehicle could be moved at the desired direction.

Art Unit: 3652

Allowable Subject Matter

8. Claims 3-8, 14-16, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.



PAUL T. CHIN
Examiner
Art Unit 3652

PTC
September 29, 2003